Datatreasury Corporation v. City National Corporation et al Doc. 23

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORP.	§	No. 2:06CV-165 (DF)
Plaintiff	§	(Consolidated with 2:06CV-72 (DF))
	§	(Lead Case)
vs.	§	
	§	Hon. David J. Folsom
CITY NATIONAL CORPORATION; and CITY NATIONAL BANK,	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	
	§	
	§	

DEFENDANTS' RESPONSE TO MOTION FOR CONSOLIDATION AND JOINDER IN DEFENDANTS' RESPONSE TO MOTION FOR CONSOLIDATION IN CASE NO. 2:06-CV-72 DF

This Court has ordered, pursuant to an unopposed motion by Defendants City National Corporation and City National Bank (collectively, "CNB Defendants") that the present action be consolidated with the matter of *DataTreasury Corporation v. Wells Fargo & Co.*, *et al.*, No. 5:06cv72 (the "Wells Fargo Litigation") (Order, Dkt No. 20). Thus, to the extent that Plaintiffs' Motion For Consolidation seeks to consolidate those two actions, it is moot.

The CNB Defendants oppose the remainder of the motion, which seeks consolidation of the present action with *DataTreasury Corporation v. Magtek, Inc.*, No. 2:03cv459; *DataTreasury Corporation v. Wells Fargo & Company, et al.*, No. 2:05cv291; *DataTreasury Corporation v. Bank of America Corporation*, No. 2:05cv292; *DataTreasury Corporation v. Wachovia Corp. et al.*, No. 2:05cv293, and *DataTreasury Corporation v. Citigroup, Inc., et al.*, 2:50cv294 (the "Ballard Patent Cases"). The CNB Defendants' opposition to the present motion is based on the arguments contained in Defendants' Response To Plaintiff's Motion For Consolidation filed

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concurrently in the Wells Fargo Litigation (Dkt No 199). Rather than repeat those arguments here, Defendants join in that Response, and incorporate it by reference herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 22, 2006 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Elizabeth L. Rosenblatt
Elizabeth L. Rosenblatt